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ARMANDO ORNELAS

7  
8 IN THE UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

10 OAKLAND DIVISION

11 THE UNITED STATES OF AMERICA, ) CASE NO.: 10-CR-00917-SBA-1  
12 Plaintiffs, )  
13 vs. ) **AMENDED STIPULATION AND ORDER**  
14 ARMANDO ORNELAS ) **RE CONTINUANCE OF PLEA AND**  
15 ) **SENTENCE HEARING**  
16 Defendant. )  
16 \_\_\_\_\_)

17 Armando Ornelas, by and through his counsel, Jesse Garcia, and the United States  
18 Government, by and through its counsel, Joseph Patrick Audal, Assistant United States Attorney,  
19 jointly stipulate and respectfully request the Court to reset the sentencing hearing presently set for  
20 October 26, 2011, be re-scheduled for November 16, 2011, at 10:00 a.m. The reason of this  
21 continuance is based on the following:  
22

23 Defendant is researching the proposed amendment to the Sentencing Guidelines which we  
24 believe may affect the sentence to be imposed in this case. The proposed amendment to the  
25 Guidelines is effective November 1, 2011, therefore we are proposing a short continuance until after  
26 that date.

27 Further, time in this case should be excluded in accordance with the Speedy Trial Act, 18  
28

1 U.S.C. § 3161(h)(7)(A) and (B)(iv) for adequate preparation of defense counsel and continuity of  
2 counsel, taking into account due diligence.

3  
4 DATED: October 20, 2011

Respectfully submitted,

5  
6 /s/JESSE GARCIA  
7 Attorney for Defendant  
ARMANDO ORNELAS

8  
9 DATED: October 20, 2011

/s/ JOSEPH AUDAL  
JOSEPH AUDAL  
10 Authorized to sign for JOSEPH AUDAL  
11 Assistant United States Attorney  
on October 20, 2011

12  
13 **ORDER**

14 IT IS HEREBY ORDERED that the change of plea and sentencing in this case, currently  
15 scheduled on October 26, 2011, at 10:00 a.m., be continued to November 16, 2011, at 10:00 a.m.

16 IT IS FURTHER ORDERED that the time from the date of this Order to November 16, 2011,  
17 should be excluded under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), for effective  
18 preparation of counsel and continuity of counsel. The Court finds that the ends of justice served by  
19 granting the continuance outweigh the best interest of the public and the defendant in a speedy and  
20 public trial, and the failure to grant the requested continuance would unreasonably deny counsel the  
21 reasonable time necessary for effective preparation and continuity of counsel, taking into account due  
22 diligence.

23 IT IS SO ORDERED.  
24

25  
26 DATED: 10/25/11

  
HON. SAUNDRA BROWN ARMSTRONG  
United States District Judge

27  
28 AMENDED STIPULATION AND ORDER TO CONTINUE SENTENCING  
U.S.A. v. ARMANDO ORNELAS 10-CR-00917-1-SBA-1